

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: : **Chapter 13 Proceedings**
Kevin Lee Shearer, : **Case No.: 19-62544**
Debtor. : **Judge Russ Kendig**

MOTION TO DISMISS CASE

Now comes Dynele L. Schinker-Kuharich, Standing Chapter 13 Trustee, and hereby moves that this case be dismissed for the following reasons:

1. Debtor(s) filed a petition for relief under Chapter 13 on December 20, 2019.
2. 11 U.S.C. §521(f) requires Debtor(s) to submit to Trustee copies of federal and state income tax returns for each tax year while the Chapter 13 is pending at the request of the Trustee.
3. Trustee has requested copies of the 2021 federal and state income tax returns.
4. Debtor(s) have failed to provide said tax returns to Trustee.
5. Debtor(s) failure to provide the requested documents is causing an unreasonable delay in the administration of the case that is prejudicial to creditors.

Now, therefore, pursuant to 11 U.S.C. §1307(c)(1), Trustee hereby requests that this case be dismissed without prejudice, and for such other relief as this Court may deem just and appropriate.

Respectfully submitted,

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich (0069389)
Chapter 13 Trustee
A. Michelle Jackson Limas (0074750)
Staff Counsel to the Chapter 13 Trustee
200 Market Avenue North, Ste. 30
Canton, OH 44702
Telephone: 330.455.2222
Facsimile: 330.754.6133
Email: DLSK@Chapter13Canton.com

NOTICE OF MOTION TO DISMISS CASE

Dynele L. Schinker-Kuharich, the Standing Chapter 13 Trustee, has filed papers with the Court to have this bankruptcy case Dismissed.

Your rights may be affected. You should read these papers carefully to discuss them with your attorney, if you have one, in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to dismiss this bankruptcy case, or if you want the Court to consider your views on the Motion to Dismiss this case, then on or before May 16, 2022, you or your attorney must file with the Court an Objection to the Motion to Dismiss at:

Clerk of Court
United States Bankruptcy Court
Ralph Regula Federal Building
401 McKinley Ave S.W.
Canton, OH 44702

If you mail your Objection to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also send a copy to: Dynele L. Schinker-Kuharich
Chapter 13 Trustee
200 Market Avenue North, Suite 30
Canton, Ohio 44702

You must also attend a hearing on the Motion to Dismiss this case on June 29, 2022 at 2:00 PM at:
United States Bankruptcy Court
Ralph Regula Federal Building
401 McKinley Ave, S.W.
Canton, OH 44702

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: April 25, 2022

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich (0069389)
Chapter 13 Trustee
A. Michelle Jackson Limas (0074750)
Staff Counsel to the Chapter 13 Trustee
200 Market Avenue North, Ste. 30
Canton, OH 44702
Telephone: 330.455.2222
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CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2022, a true and correct copy of the Motion to Dismiss Case and Notice thereof was served via the Court's Electronic Case Filing System upon these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Office of the United States Trustee at [RegisteredEmailAddress]@usdoj.gov
- Deborah L. Mack, Counsel for Debtor Kevin Lee Shearer, at Debbie@ohiofinancial.lawyer

and by regular U.S. Mail, postage prepaid, upon:

Kevin Lee Shearer, Debtor
339 Hampton Road
Lexington, OH 44904

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich
Chapter 13 Trustee